

# **JOURNAL OF THE HOUSE**

## **EIGHTY-EIGHTH SESSION**

---

TWENTIETH DAY

---

STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Thursday, February 7, 2013

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Brad Urbach, followed by the Pledge of Allegiance led by House pages Maddi Bauer and August Crowley.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the nineteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Brian G. Gosch, Chair

Which motion prevailed.

**HONORED GUESTS**

Speaker Gosch introduced the Honorable Kristi Noem, United States Representative from South Dakota, who spoke briefly.

**REPORTS OF STANDING COMMITTEES**

MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1135 and returns the same with the recommendation that said bill be amended as follows:

1135ta

On page 2, line 17, of the printed bill, after "beneath" insert "nonmeandered".

1135tb

On page 8, after line 12 of the printed bill, insert:

" Section 12. Nothing in this Act is intended to limit or restrict the public's right to use any water defined as navigable by § 43-17-34."

And that as so amended said bill do pass.

Respectfully submitted,  
Charles B. Hoffman, Chair

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration SB 72 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1248 which was deferred to the 41<sup>st</sup> Legislative Day.

Respectfully submitted,  
Scott Munsterman, Chair

1 Also MR. SPEAKER:

2 The Committee on Taxation respectfully reports that it has had under consideration  
3 HB 1189 and returns the same with the recommendation that said bill be amended as follows:

4 1189fa

5 On page 1, line 5, of the printed bill, delete "one dollar" and insert "fifty cents".

6 1189fd

7 On the previously adopted amendment (1189fa), delete "fifty cents" and insert "twenty  
8 cents".

9 1189fe

10 On page 1 of the printed bill, delete lines 4 to 12, inclusive.

11 1189fta

12 On page 1, line 1, of the printed bill, delete "counties and".

13 And that as so amended said bill do pass.

14 Also MR. SPEAKER:

15 The Committee on Taxation respectfully reports that it has had under consideration  
16 HB 1154, 1193, and 1229 which were deferred to the 41<sup>st</sup> Legislative Day.

17 Respectfully submitted,  
18 Brock L. Greenfield, Chair

19 Also MR. SPEAKER:

20 The Committee on Appropriations respectfully reports that it has had under consideration  
21 HB 1057 and SB 18, 19, and 27 and returns the same with the recommendation that said bills  
22 do pass.

1 Also MR. SPEAKER:

2 The Committee on Appropriations respectfully reports that it has had under consideration  
3 HB 1247 which was deferred to the 41<sup>st</sup> Legislative Day.

4 Respectfully submitted,  
5 Fred W. Romkema, Chair

6 Also MR. SPEAKER:

7 The Committee on Transportation respectfully reports that it has had under consideration  
8 SB 78 and returns the same with the recommendation that said bill do pass.

9 Also MR. SPEAKER:

10 The Committee on Transportation respectfully reports that it has had under consideration  
11 SB 53 and 57 and returns the same with the recommendation that said bills do pass and be  
12 placed on the consent calendar.

13 Respectfully submitted,  
14 Mike Verchio, Chair

15 Also MR. SPEAKER:

16 The Committee on Local Government respectfully reports that it has had under  
17 consideration SB 86 and returns the same with the recommendation that said bill do pass.

18 Also MR. SPEAKER:

19 The Committee on Local Government respectfully reports that it has had under  
20 consideration SB 156 and returns the same with the recommendation that said bill be amended  
21 as follows:

22 156fb

23 On page 2, line 5, of the Senate Taxation Committee engrossed bill, after "~~three~~" insert  
24 "which provides access to a rural subdivision or unincorporated town".

25 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under  
3 consideration SB 122 which was tabled.

4 Respectfully submitted,  
5 Tim Rounds, Chair

6 **MESSAGES FROM THE SENATE**

7 MR. SPEAKER:

8 I have the honor to transmit herewith SB 74, 105, 106, 107, 121, 133, 216, and 227 which  
9 have passed the Senate and your favorable consideration is respectfully requested.

10 Respectfully,  
11 Jeannette Schipper, Secretary

12 **MOTIONS AND RESOLUTIONS**

13 HCR 1006 Introduced by: Representatives Bolin, Cammack, Campbell, Craig, Dryden,  
14 Ecklund, Erickson, Greenfield, Haggart (Don), Hansen, Heinemann (Leslie), Johns, Kaiser,  
15 Kopp, Magstadt, May, Mickelson, Miller, Nelson, Olson (Betty), Rasmussen, Rozum, Russell,  
16 Schaefer, Schoenfish, Stalzer, Steele, Stevens, Tulson, Verchio, Westra, and Wick and Senators  
17 Lederman, Adelstein, Begalka, Brown, Ewing, Frerichs, Heineman (Phyllis), Holien, Jensen,  
18 Kirkeby, Krebs, Maher, Monroe, Novstrup (Al), Olson (Russell), Omdahl, Otten (Ernie), Peters,  
19 Rampelberg, Rave, Rhoden, Soholt, Tidemann, Tieszen, Van Gerpen, and White

20 A CONCURRENT RESOLUTION, Petitioning the President of the United States and the  
21 Department of State to authorize the Keystone XL Pipeline.

22 WHEREAS, the proposed Keystone XL Pipeline would help reduce our nation's dependency  
23 on oil originating from unfriendly nations and unstable areas of the globe; and

24 WHEREAS, the Obama administration has proclaimed job creation as a high priority for our  
25 nation and its people; and

26 WHEREAS, the proposed Keystone XL Pipeline would provide additional employment  
27 opportunities in South Dakota and across the Midwest; and

28 WHEREAS, the proposed Keystone XL Pipeline would contribute much needed tax  
29 revenues to South Dakota, which would be funneled to essential local government operations  
30 and school districts; and

1 WHEREAS, the failure to authorize this project will only result in the shipment of the vital  
2 petroleum resources of Canada to nations in Asia:

3 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-  
4 Eighth Legislature of the State of South Dakota, the Senate concurring therein, that the project  
5 commonly known as the Keystone XL Pipeline be approved by the United States Department  
6 of State and the President of the United States, Barack Obama.

7 Was read the first time and the Speaker waived the committee referral.

### 8 **CONSIDERATION OF REPORTS OF COMMITTEES**

9 Rep. Lust moved that the reports of the Standing Committees on  
10 Education on HB 1166 as found on page 320 of the House Journal; also  
11 Education on HB 1172 as found on page 320 of the House Journal; also  
12 Judiciary on HB 1151 as found on page 321 of the House Journal; also  
13 Judiciary on HB 1171 as found on page 322 of the House Journal be adopted.  
14 Which motion prevailed.

### 15 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

16 SB 74: FOR AN ACT ENTITLED, An Act to require the forfeiture of preference points  
17 for certain hunting licenses upon conviction of unlawfully killing, destroying, taking, or  
18 possessing trophy animals.

19 Was read the first time and referred to the Committee on Agriculture and Natural  
20 Resources.

21 SB 121: FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to the  
22 Commission on Intergovernmental Cooperation.

23 Was read the first time and referred to the Committee on Local Government.

24 SB 133: FOR AN ACT ENTITLED, An Act to establish a pharmacy audit integrity  
25 program.

26 Was read the first time and referred to the Committee on Commerce and Energy.

1 SB 227: FOR AN ACT ENTITLED, An Act to revise provisions relating to the possession  
2 of firearms on snowmobiles.

3 Was read the first time and referred to the Committee on Judiciary.

4 **SECOND READING OF CONSENT CALENDAR ITEMS**

5 HB 1158: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the  
6 posting of public notice for meetings of public bodies.

7 Was read the second time.

8 The question being "Shall HB 1158 pass as amended?"

9 And the roll being called:

10 Yeas 70, Nays 0, Excused 0, Absent 0

11 Yeas:

12 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
13 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
14 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
15 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
16 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
17 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
18 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
19 Wick; Wink; Wismer; Speaker Gosch

20 So the bill having received an affirmative vote of a majority of the members-elect, the  
21 Speaker declared the bill passed and the title was agreed to.

22 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

23 HB 1002: FOR AN ACT ENTITLED, An Act to provide for the creation of a trust account  
24 for unlocatable mineral interest owners.

25 Was read the second time.

26 The question being "Shall HB 1002 pass as amended?"

27 And the roll being called:

28 Yeas 69, Nays 1, Excused 0, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
3 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
4 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
5 (Bernie); Johns; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller;  
6 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;  
7 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
9 Wick; Wink; Wismer; Speaker Gosch

10 Nays:

11 Kaiser

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1167: FOR AN ACT ENTITLED, An Act to revise the composition of the policy  
15 review committee for animal damage control.

16 Was read the second time.

17 1167ra

18 Rep. Betty Olson moved that HB 1167 be amended as follows:

19 On page 1, line 5, of the House Agriculture and Natural Resources Committee engrossed  
20 bill, overstrike "an interagency joint policy review" and insert "a policy advisory".

21 On page 1, line 12, overstrike "develop program priorities" and insert "provide  
22 recommendations".

23 Which motion prevailed.

24 The question being "Shall HB 1167 pass as amended?"

25 And the roll being called:

26 Yeas 69, Nays 1, Excused 0, Absent 0



1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
3 Ecklund; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hansen;  
4 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;  
5 Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller;  
6 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;  
7 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
9 Wick; Wink; Wismer; Speaker Gosch

10 Nays:

11 Greenfield

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed.

14 The question being on the title.

15 1167rta

16 Rep. Rounds moved that the title to HB 1167 be amended as follows:

17 On page 1, line 1, of the House Agriculture and Natural Resources Committee engrossed  
18 bill, delete "revise the composition of the policy review" and insert "restructure the policy  
19 advisory".

20 Which motion prevailed and the title was so amended.

21 Rep. Ecklund moved that HB 1233 be deferred to Monday, February 11, the 21<sup>st</sup> legislative  
22 day.

23 Which motion prevailed.

24 HB 1067: FOR AN ACT ENTITLED, An Act to designate POW/MIA Recognition Day  
25 as a working holiday.

26 Was read the second time.

27 The question being "Shall HB 1067 pass?"

28 And the roll being called:

29 Yeas 70, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
3 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
4 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
6 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
7 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
9 Wick; Wink; Wismer; Speaker Gosch

10 So the bill having received an affirmative vote of a majority of the members-elect, the  
11 Speaker declared the bill passed and the title was agreed to.

12 HB 1084: FOR AN ACT ENTITLED, An Act to designate Purple Heart Recognition Day  
13 as a working holiday.

14 Was read the second time.

15 The question being "Shall HB 1084 pass?"

16 And the roll being called:

17 Yeas 70, Nays 0, Excused 0, Absent 0

18 Yeas:

19 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
20 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
21 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
22 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;  
23 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
24 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
25 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
26 Wick; Wink; Wismer; Speaker Gosch

27 So the bill having received an affirmative vote of a majority of the members-elect, the  
28 Speaker declared the bill passed and the title was agreed to.

## 29 SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

30 Rep. Lust moved that SB 41, 45, and 23 be deferred to Monday, February 11, the  
31 21<sup>st</sup> legislative day.

32 Which motion prevailed.

## 2 REPORTS OF STANDING COMMITTEES

7 Respectfully submitted,  
8 Brian G. Gosch, Chair

9 **COMMEMORATIONS**

31 WHEREAS, the team received excellent leadership and guidance from head coach Wes  
32 Morgan and assistant coaches Joe Shepardson and Jesse Kroupa:

5 Rep. Steele moved that the House do now adjourn, which motion prevailed and at  
6 2:58 p.m. the House adjourned.

7 Arlene Kvislen, Chief Clerk